

Exhibit B

From: Nitz, Eric <enitz@mololamken.com>
Sent: Monday, June 13, 2022 10:00 AM
To: Rapawy, Gregory G.; 'Normand, Sarah (USANYS)'; 'Spounian@kreindler.com'; 'jflowers@motleyrice.com'; 'rhaefele@motleyrice.com'; Kreindler, James; Maloney, III, Andrew; 'Mbenett@kreindler.com'; 'Gsimpson@kreindler.com'; 'scarter1@cozen.com'; Tarbutton, Joseph; Goldman, Jerry; 'bstrong@andersonkill.com'; Kry, Robert; Vargas, Jeannette
Cc: Kellogg, Michael K.; Shen, Andrew C.; Young, Christopher M.
Subject: RE: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Greg and Sarah,

We are comfortable with this approach as well.

Best regards,
Eric

From: Rapawy, Gregory G. <grapawy@kellogghansen.com>
Sent: Thursday, June 9, 2022 4:51 PM
To: 'Normand, Sarah (USANYS)' <Sarah.Normand@usdoj.gov>; 'Spounian@kreindler.com' <Spounian@kreindler.com>; 'jflowers@motleyrice.com' <jflowers@motleyrice.com>; 'rhaefele@motleyrice.com' <rhaefele@motleyrice.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; 'Mbenett@kreindler.com' <Mbenett@kreindler.com>; 'Gsimpson@kreindler.com' <Gsimpson@kreindler.com>; 'scarter1@cozen.com' <scarter1@cozen.com>; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; 'bstrong@andersonkill.com' <bstrong@andersonkill.com>; Kry, Robert <rkry@mololamken.com>; Nitz, Eric <enitz@mololamken.com>; Vargas, Jeannette <jeannette.vargas@usdoj.gov>
Cc: Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>; Young, Christopher M. <cyoung@kellogghansen.com>
Subject: RE: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Sarah,

Saudi Arabia can provide the FBI with proposed redactions on a rolling basis on the dates you suggest. October 1 of this year is a Saturday so I assume that would slip to October 3.

Our proposed briefing schedule also provides for *Daubert* submissions, which I assume would go in on the same thirty-day-delayed schedule: that is, proposed redactions of both parties' *Daubert* motions due to the FBI December 1; *Daubert* oppositions, January 17; *Daubert* replies, March 20.

We are also fine with April 19 for the FBI's proposed redactions and May 19 for the submission to the Court regarding disputes.

Regards,

Greg

From: Normand, Sarah (USANYS) <Sarah.Normand@usdoj.gov>

Sent: Thursday, June 9, 2022 3:38 PM

To: Rapawy, Gregory G. <grapawy@kelloggghansen.com>; 'Spounian@kreindler.com' <Spounian@kreindler.com>; 'jflowers@motleyrice.com' <jflowers@motleyrice.com>; 'rhaefele@motleyrice.com' <rhaefele@motleyrice.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; 'Mbenett@kreindler.com' <Mbenett@kreindler.com>; 'Gsimpson@kreindler.com' <Gsimpson@kreindler.com>; 'scarter1@cozen.com' <scarter1@cozen.com>; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; 'bstrong@andersonkill.com' <bstrong@andersonkill.com>; 'rkry@mololamken.com' <rkry@mololamken.com>; 'enitz@mololamken.com' <enitz@mololamken.com>; Vargas, Jeannette <jeannette.vargas@usdoj.gov>

Cc: Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>

Subject: RE: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Dear Greg:

Thank you for the opportunity to weigh in on this proposed schedule.

Unfortunately, the proposed schedule for FBI review would not give the FBI nearly enough time to review the filings to determine what information falls within the FBI Protective Order, and then meet and confer with the parties. Under the proposed schedule, it appears that the FBI would not receive proposed redactions until mid-March, and we presume the filings are likely to be voluminous (up to 125 pages of briefing, plus statements of fact, declarations, exhibits, and objections, plus additional briefing on Daubert motions). FBI would need to do a line-by-line review of all of the filings and proposed redactions to determine its position on what specific information needs to remain under seal. In FBI's experience, this review often requires additional research and/or communications with the filing party to determine the source of specific information. All of this would need to be done before the FBI could meet and confer about proposed redactions. There is simply no way this process could be completed in the month (March 20-April 19) that is proposed.

To give FBI enough time to review the filings, we propose instead that the parties identify on a rolling basis the information in their filings that is potentially subject to the FBI Protective Order—that is, any information derived from documents produced subject to the FBI Protective Order that has not been made public in the FBI's public releases under the Executive Order. Specifically, we propose that, thirty days after each filing, the filing party provide the FBI with copies of its filing papers that highlight all information derived from any FBI-produced document that has not been made public in an EO release of the same document. So the schedule would be:

- By October 1, the PECs would provide highlighted copies of the papers it files under seal on September 1;
- By December 1, KSA would provide highlighted copies of the papers it files under seal on November 1;
- By February 16, the PECs would provide highlighted copies of the papers it files under seal on January 17;
- By March 20, KSA would provide highlighted copies of the papers it files under seal on February 16.

We are flexible on the specific dates, but FBI needs to be able to conduct this review on a rolling basis in order to be in a position to provide its proposed redactions to the filings by mid-April (we would propose April 19, thirty days after FBI receives the last set of proposed redactions), and then meet and confer regarding those redactions. Given the volume of documents likely to be at issue, we think it makes sense to build in 30 days to meet and confer, and so we would advise the Court of any disputes by May 19.

Thanks again for flagging this for us.

Sarah

From: Rapawy, Gregory G. <grapawy@kelloggghansen.com>

Sent: Tuesday, June 7, 2022 4:37 PM

To: 'Spounian@kreindler.com' <Spounian@kreindler.com>; 'jflowers@motleyrice.com' <jflowers@motleyrice.com>; 'rhaefele@motleyrice.com' <rhaefele@motleyrice.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; 'Mbenett@kreindler.com' <Mbenett@kreindler.com>; 'Gsimpson@kreindler.com' <Gsimpson@kreindler.com>; 'scarter1@cozen.com' <scarter1@cozen.com>; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; 'bstrong@andersonkill.com' <bstrong@andersonkill.com>; 'rkry@mololamken.com' <rkry@mololamken.com>; 'enitz@mololamken.com' <enitz@mololamken.com>; Normand, Sarah (USANYS) <SNormand@usa.doj.gov>; Vargas, Jeannette (USANYS) <JVargas@usa.doj.gov>

Cc: Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>

Subject: RE: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Counsel,

Further following up on our discussion this morning, Saudi Arabia proposes the following procedure and schedule as a compromise. We reserve all rights, including that we may revert to our previous proposal if the parties cannot reach agreement. I am adding Sarah and Jeannette to this e-mail because some of the discussion below contemplates review by the FBI of FBI confidential material.

1. On September 1, 2022, Plaintiffs will file a statement of jurisdictional facts, including citations to any evidence on which they will rely to prove each assertion of fact, with supporting exhibits.
2. On November 1, 2022, Saudi Arabia will file: (a) its renewed motion to dismiss, limited to 50 pages; (b) its statement of jurisdictional facts, including citations to the evidence on which it will rely to prove each assertion of fact, with supporting exhibits; (c) its response to Plaintiffs' statement of jurisdictional facts, including citations to any evidence on which it will rely in response to any assertion of fact by Plaintiffs, with supporting exhibits; and (d) any evidentiary objections to the evidence presented by Plaintiffs, which may be presented in table form. Also on November 1, 2022, both Plaintiffs and Saudi Arabia will file any *Daubert* motions seeking to limit or exclude testimony of the other side's experts. Each *Daubert* motion will be limited to 20 pages.
3. On January 17, 2023, Plaintiffs will file: (a) their opposition to Saudi Arabia's renewed motion to dismiss, limited to 50 pages; (b) their response to Saudi Arabia's statement of jurisdictional facts, including citations to any evidence on which they will rely in response to any assertion of fact by Saudi Arabia, with supporting exhibits; (c) any evidentiary objections to the evidence presented by Saudi Arabia, which may be presented in table form; and (d) their response to Saudi Arabia's evidentiary objections, which may be presented in table form. Also on December 5, 2022, both Plaintiffs and Saudi Arabia will file their oppositions to the other side's *Daubert* motions. Each *Daubert* opposition will be limited to 20 pages.
4. On February 16, 2023, Saudi Arabia will file: (a) its reply in support of its renewed motion to dismiss, limited to 25 pages; and (b) its response to Plaintiffs' evidentiary objections, which may be presented in table form. Also on February 16, 2023, both Plaintiffs and Saudi Arabia will file their replies in support of their *Daubert* motions. Each *Daubert* reply will be limited to 10 pages.

Because the parties' filings are likely to contain information subject to the MDL or FBI protective order, including MDL protected information for which the Court has previously approved sealed filing, Saudi Arabia proposes that the above filings be made under temporary seal to permit the producing party (or non-party in the case of the FBI) to review and propose redactions, and that the redaction review schedule proceed as follows:

5. On or before March 20, 2023, any party that will seek to maintain any document under permanent seal or to file on the public docket only in redacted form will provide a list of proposed sealings and redactions to the other

parties; and also all parties that have filed documents containing information subject to the FBI protective order will identify such information to the FBI. The parties and the FBI will then meet and confer.

6. On or before April 19, 2023, the parties will advise the Court of any disputes concerning sealing or redaction and will make a joint proposal (or, if they are unable to reach agreement, separate proposals in a joint letter) for any motions practice related to sealing or redaction.

Saudi Arabia has considered the *Ashton* Plaintiffs' proposal for simultaneous briefing but believe a motion-opposition-reply sequence is appropriate because Saudi Arabia remains the moving party, and also because sequential briefing is more likely to produce briefing that is helpful to the Court.

Saudi Arabia takes no position on whether the CAC Plaintiffs and *Ashton* Plaintiffs should file separate statements of jurisdictional facts, opposition briefs, or other papers. If they do so, Saudi Arabia presently anticipates that it will file a consolidated motion to dismiss, a consolidated reply, and other consolidated responsive papers to avoid unnecessary duplication of arguments. Saudi Arabia may, however, either (a) file full-length separate responsive papers, including motions to dismiss, or (b) seek an extension of the page limit for any such papers, depending on the degree of overlap in the CAC Plaintiffs' and *Ashton* Plaintiffs' separate papers.

Saudi Arabia remains amenable to Dallah Avco's briefing proceeding on the same track, as we understand is Dallah Avco's preference.

Regards,

Greg

From: Rapawy, Gregory G.

Sent: Tuesday, June 7, 2022 11:55 AM

To: scarter1@cozen.com

Cc: Steven R. Pounian <Spounian@kreindler.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haefele <rhaefele@motleyrice.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; Gavin Simpson <Gsimpson@kreindler.com>; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; bstrong@andersonkill.com; Kry, Robert <rkry@mololamken.com>; Nitz, Eric <enitz@mololamken.com>; Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>

Subject: RE: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Sean,

Just following up on our discussion, without prejudice to anything we may argue or cite to the Court if the parties fail to reach agreement.

For examples of the statements I referred to, see the May 24, 2018 hearing transcript (ECF No. 4015), at 38:24-40:7; and the October 12, 2018 hearing transcript (ECF No. 4237), at 33:21-34:5. Also, see Plaintiffs' related statement in the sealed letter at ECF No. 6847, at 5, in the second full paragraph (beginning "Finally").

We'll get back to you as to Saudi Arabia's position on the other issues Plaintiffs raised on the call.

Regards,

Greg

From: Rapawy, Gregory G. <grapawy@kelloggghansen.com>

Sent: Friday, June 3, 2022 5:03 PM

To: Nitz, Eric <enitz@mololamken.com>

Cc: Steven R. Pounian <Spounian@kreindler.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haefele <rhaefele@motleyrice.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; scarter1@cozen.com; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; bstrong@andersonkill.com; Kry, Robert <rkry@mololamken.com>; Gavin Simpson <Gsimpson@kreindler.com>; Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>

Subject: Re: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Steve and Eric,

That time works for us as well.

Have a good weekend.

Regards,

Greg

On Jun 3, 2022, at 15:40, Nitz, Eric <enitz@mololamken.com> wrote:

Steve,

Tuesday at 11 AM works for Dallah Avco.

Eric

From: Steven R. Pounian <Spounian@kreindler.com>

Sent: Friday, June 3, 2022 2:03 PM

To: Rapawy, Gregory G. <grapawy@kelloggghansen.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haefele <rhaefele@motleyrice.com>; Jim Kreindler <JKreindler@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; 'scarter1@cozen.com' <scarter1@cozen.com>; zScott Tarbutton <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; 'bstrong@andersonkill.com' <bstrong@andersonkill.com>; Kry, Robert <rkry@mololamken.com>; Nitz, Eric <enitz@mololamken.com>; Gavin Simpson <Gsimpson@kreindler.com>

Cc: Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>


Subject: RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Dear Greg,

Plaintiffs suggest that we hold a meet and confer call to discuss the issues raised in your message. Please let us know if Tuesday, June 7 at 11:00 am works for the call.

Regards,

Steven R. Pounian
Of Counsel

 **Kreindler & Kreindler LLP**
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Please consider the environment before printing this e-mail.

From: Rapawy, Gregory G. <grapawy@kelloggghansen.com>
Sent: Wednesday, June 1, 2022 4:47 PM
To: zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haeferle <rhaeferle@motleyrice.com>; Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Megan Bennett <Mbenett@kreindler.com>; 'scarter1@cozen.com' <scarter1@cozen.com>; zScott Tarbutton <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; 'bstrong@andersonkill.com' <bstrong@andersonkill.com>; 'rkry@mololamken.com' <rkry@mololamken.com>; Eric Nitz <enitz@mololamken.com>
Cc: Kellogg, Michael K. <mkellogg@kelloggghansen.com>; Shen, Andrew C. <ashen@kelloggghansen.com>; Young, Christopher M. <cyoung@kelloggghansen.com>
Subject: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

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Counsel,

As you know, there is one month remaining in jurisdictional expert discovery, and Saudi Arabia intends to file a renewed motion to dismiss after the close of discovery. To expedite that process, we intend to ask the Court to set a schedule for motions briefing, including a statement of jurisdictional facts by Plaintiffs. Our proposed schedule is set out below.

1. On August 1, 2022, Plaintiffs will file a statement of jurisdictional facts, including citations to any evidence on which they will rely to prove each assertion of fact, with supporting exhibits.
2. On October 3, 2022, Saudi Arabia will file:
 - a. its renewed motion to dismiss, limited to 50 pages;
 - b. its statement of jurisdictional facts, including citations to the evidence on which it will rely to prove each assertion of fact, with supporting exhibits;
 - c. its response to Plaintiffs' statement of jurisdictional facts, including citations to any evidence on which it will rely in response to any assertion of fact by Plaintiffs, with supporting exhibits; and
 - d. any evidentiary objections to the evidence presented by Plaintiffs, which may be presented in table form.

Also on October 3, 2022, both Plaintiffs and Saudi Arabia will file any *Daubert* motions seeking to limit or exclude testimony of the other side's experts. Each *Daubert* motion will be limited to 20 pages.

3. On December 5, 2022, Plaintiffs will file:
 - a. their opposition to Saudi Arabia's renewed motion to dismiss, limited to 50 pages;
 - b. their response to Saudi Arabia's statement of jurisdictional facts, including citations to any evidence on which they will rely in response to any assertion of fact by Saudi Arabia, with supporting exhibits;
 - c. any evidentiary objections to the evidence presented by Saudi Arabia, which may be presented in table form; and
 - d. their response to Saudi Arabia's evidentiary objections, which may be presented in table form.

Also on December 5, 2022, both Plaintiffs and Saudi Arabia will file their oppositions to the other side's *Daubert* motions. Each *Daubert* opposition will be limited to 20 pages.

4. On January 17, 2023, Saudi Arabia will file:
 - a. its reply in support of its renewed motion to dismiss, limited to 25 pages; and
 - b. its response to Plaintiffs' evidentiary objections, which may be presented in table form.

Also on January 17, 2023, both Plaintiffs and Saudi Arabia will file their replies in support of their *Daubert* motions. Each *Daubert* reply will be limited to 10 pages.

Please let us know your position on our proposal. We have not included due dates for Dallah Avco but are amenable to Dallah Avco proceeding either on the same track or on its own schedule.

Regards,

Greg

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